

MINUTES

P & Z COMMISSION HEARING September 19, 2002

ATTENDANCE P & Z Commissioners

ATTENDED

1. Jon Olson, Chairman
2. Frank Damato
3. Wendell DeCross
4. Gary Nelson
5. Roy Solomon
6. Drew Shumway

ABSENT

Gene Kuwanquaftewa
Tommy Joe

Staff Attendance

1. David Ashton, Director
2. Lissa Davis, Planner II
3. Lance Payette, Deputy County Attorney
4. Richard Young, Deputy Director of Public Works
5. Mary Bradley, Secretary

Meeting held at the Board of Supervisors Chambers, Holbrook, Arizona - Time 6:14 p.m.

Jon Olson called the meeting of the Navajo County Planning & Zoning Commission to order, and explained the meeting procedures to the public and then led the Pledge of Allegiance. Mr. Olson stated that they would proceed in the following order on the agenda, item number two, number three, number one and number four.

Item #2 **SPECIAL USE PERMIT**: Discussion and possible Commission action on a request by Waste Management of Arizona to allow storage of trash containers and port-a-let portable bathrooms on 10 acres of the subject property, APN: 107-005-004, T18N, R19E, Section 5, in the Joseph City area. **Lissa Davis** gave a history of the project and presented maps showing the general area and site plans. Ms. Davis indicated this is located on the Pen-Rob Landfill, which is at the end of Porter Road in Joseph City. The parcel size is approximately 640 acres for the entire site. The stated reason for this request is to allow for storage of trash containers and port-o-let portable bathrooms on this 10-acre portion of the subject property. Ms. Davis stated that since Waste Management of Arizona own the whole section and not generally seen by the public that Development Services does not see anything incompatible with the use. Public Works comments are that granting this permit will not affect any county roads and there are no known drainage or flooding concerns. Staff recommends approval. **Steve Lewis** is the developer of the project and he was in attendance. Mr. Lewis explained that he is with the company of Lewis Engineering. **No one came forward to speak in favor or opposition to this project.** Dave Ashton indicated that staff did not place any stipulations and explained that with new development it could be stipulated that it runs with the land or runs with the owner. **Frank Damato** asked how close was the nearest homes. **Dave Ashton** responded 2 to 3 miles. **Jon Olson** asked if this poses a conflict with any of the previous resolutions when it was originally approved. **Dave Ashton** explained that they had a landfill and they did not want to use up any space. Mr. Ashton indicated that they wanted an operation for trash containers so that they would not have to use existing landfill area. **Wendell DeCross** asked what the reasoning for the stipulation to run with the land oppose to with the owner. **Dave Ashton** explained that it depends on the use and what the owner is bringing in. Mr. Ashton explained that it be a perpetual use. Mr. Ashton went on to say that the landfill has a 40-year limit and it has a review every 10 years. On smaller parcels a home occupation, staff recommends that it will run with the owner. Then if the owner sells the property it takes that use away. Mr. Ashton

stated that could leave it as is or that it runs with the land. **Wendell DeCross** stated that he would be more opposed having it run with the land than with the owner. Frank Damato made a motion with the stipulation that the Special Use Permit shall run with the property owner. **Recommended Stipulation: 1. The Special Use Permit shall run with the property owner.** **Wendell DeCross** seconded the motion. Motion unanimously carried.

ITEM #3 ZONE CHANGE: Discussion and possible Commission action on a request by **Gary K. & Janice C. Bunger** for a Zone Change from A-General to Commercial-Residential on the subject property, APN: 209-20-011, T9N, R21E Section 20, in the Linden area. **Lissa Davis** gave a history of the project and presented maps showing the general area and site plans. The property is located on the corner of Pearce Road and State Highway 260. The stated reason for this request is to operate a commercial venture on the property. The Public Works Department has no concerns regarding the zone change. Staff recommends approval with a stipulation. **Gary & Janice Bunger** are the persons who are requesting the zone change and they were in attendance. Mr. Bunger indicated that the property is located next door to Pearce Concrete and an asphalt plant. Mr. Bunger said that their property is zoned A-General. Mr. Bunger gave his opinion on the possibility of people building homes on the property, citing the smell, dust and the heavy equipment. Mr. Bunger indicated that they have a business in Show Low and they rent overseas containers and they need more property to store the containers. Mr. Bunger also stated that they are in the steel business in Phoenix. Mr. Bunger expressed his opinion that it would be an improvement for the property and he would add a chain link fence, dirt work and he considers the property now as an eyesore. **No one came forward to speak in favor of this project.** **Michael Reed** spoke in opposition to this requested and asked that a privacy fence be built so that they would not have to look at the large containers. **Kent Lauderback Sr.** spoke in opposition and addressed his concern about his property values. Mr. Lauderback Sr. said that the piece of property that Mr. Bunger purchased served as a buffer between Pearce Concrete and his residence. Mr. Lauderback expressed concern to the commission that if they allowed 600' it will place him in his back yard. Mr. Lauderback stated that he is not necessarily opposed if it is handled in the right manner. Mr. Lauderback reiterated his concerns, which are noise, dust, property values and privacy fencing. **Wendell DeCross** stated that he visited the property. Mr. DeCross stated that it made sense to have it zoned commercial as well. Mr. DeCross said in his opinion commercial zoning is more valuable than residential zoning. **Frank Damato** said that they are fighting a battle of having Industrial, A-General, and Commercial-Residential uses in one small area. Mr. Damato stated that there is no question in his mind that this should be an Industrial parcel. **Roy Solomon** asked Mr. Bunger if his intent was to rent the containers on-site or to take them off the site. **Gary Bunger** stated that most of the containers they sell to a lot of landowners and they rent a lot to commercial places and they do rent some for storage and they do store them on their place. Mr. Bunger explained that their main business is selling and renting off site. **Jon Olson** stated that he felt that "C" containers were more of an industrial to store than Commercial Residential. Mr. Olson felt that this use was more of an industrial use. Mr. Olson stated that storage is not allowed in Commercial-Residential zoning district but is allowed only in Light Industrial. Mr. Olson expressed his concerns that the containers would be allowed to be doubled and triple stacked. Mr. Olson indicated that he had no problem with the commercial zoning since it is in the area, and it is one of the few areas that is over there that allows for commercial zoning. Mr. Olson admonished the applicant that the cargo containers may require a special use permit and it may or may not be granted. A motion was made by **Wendell DeCross** to approve the Zone Change with the stipulation stated by staff. **Recommended Stipulation: 1. The Zone Change shall encompass a 600-foot deep portion of the entire width of the subject property.** **Gary Nelson** seconded the motion. Motion unanimously carried.

ITEM #1 SPECIAL USE PERMIT: Discussion and possible Commission action on a request by **Bill McKay** to allow for a 54-space Recreational Vehicle Park on the subject property, APN: 212-12-052F, T9N, R22E, Section 14, in the Lakeside area. **Lissa Davis** gave a history of the project and presented maps showing the general area and site plans. Ms. Davis indicated that this application was originally heard before the commission on June 15, 2000. At that time there were some problems pertaining to the road access. Ms. Davis stated that the Planning & Zoning Commission and the Board of Supervisors originally heard the application in 2000. At that time, the Board tabled the matter until a work session between the developer and the Public Works Department could be arranged. In May of this year, the applicant's agent, John Murphy, submitted revised drawings for the project, which has been reviewed by Public Works and found to be workable. Because of the extended time, the project is being returned to the Planning & Zoning Commission for review and recommendation to the Board of Supervisors. Staff recommends approval with stipulations. Ms. Davis advised the commission that back in 2000 there was an additional stipulation regarding a 6' cinder block wall to be placed on the North and West property lines to act as buffer for existing land uses. The present site plans shows a 6' wood fence. **Richard Young** stated that the primary concern when Public Works looked at after the commission recommended it was recommendation that the primary entrance be on Porter Mountain Road with a break away gate on Mountain View Drive. Mr. Young said that the problem that they had with this was an inadequate site distance for using this access for the primary access on Porter Mountain Road. The site distance was

barely adequate for conventional passengers vehicles to make a left turn on Porter Mountain Road at that location. Mr. Young commented that it would be seriously inadequate for anything larger than a standard passenger vehicle. Mr. Young also stated that a detailed traffic study was done for the area and they would like a pre-construction meeting on the site before any works begins in either of the following right of ways (Porter Mountain Road and Mountain View Drive). The applicant is **Bill McKay** and he was in attendance. Mr. McKay explained that he liked the aesthesis of the wood fence better than the block wall and he is planning on it making it an adult recreational park. Mr. McKay said that he is going to try to operate it year round (if this proves successful he will continue operating it year round). Mr. McKay explained that this will not be a temporary recreational vehicle park but would be use more like a mobile home park. Mr. McKay indicated that there will be a caretaker on site and reiterated again that it would be operational year round if applicable. Mr. McKay indicated that the Park Models should be relatively new probably not older than 15 years old. **Dave Ashton** said that the Park Model Unit is not covered under the state rules for Manufactured Homes, so it is considered a Recreational Vehicle. Mr. Ashton commented on the size and the mobility of the Park Model. **Jon Olson** asked about the fire hydrants and if they are required. Mr. Olson also stated that he was in favor of the block wall and that he wants the applicant to meet the minimum requirements for setbacks. Mr. Olson also wanted a stipulation to address Public Works concerns that are left, pre-construction meeting on site and the block wall. **Bill McKay** explained that he had a letter from the Fire District Chief that says he doesn't need one as the units are considered to be on rubber tires and can roll out, if necessary. **Dave Ashton** stated that the site plan would be sent out the Fire Chief for review one last time. Mr. Ashton mentioned that normally we have a 1-year requirement to start construction after the Board of Supervisors approval, or the Special Use Permit would become null and void. **John Murphy** stated that one year is rather restrictive as they would have to submit plans to ADEQ and their approval could take up to one year. Mr. Murphy requested an additional year (for a total of 2-years). **Roy Solomon** agreed with the additional 2 years time span and the three additional stipulations. A motion was made by **Roy Solomon** to approve the stipulations stated by staff and to include the additional 3 stipulations. **Recommended Stipulation:** *1. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 2. Any expansion of the Special Use shall require an amendment to the Permit. 3. This Special Use shall run with the land. 4. A current site plan showing the existing structures and when they will be removed shall be submitted to staff for review and approval prior to scheduling a public hearing before the Board of Supervisors. 5. A six-foot high block wall shall be constructed on the west side property line and along the north side to the entrance off of Mountain View Way. 6. Public Works and the Fire District comments shall be answered and included in the design plans submitted to the County for review and approval prior to scheduling before the Board of Supervisors. 7. Site construction shall start within two years of approval by the Board of Supervisors or the Special Use Permit shall be come null and void.* **Wendell DeCross** seconded the motion. Motion unanimously carried.

ITEM #Amendment To The Navajo County Zoning Ordinance: Discussion and possible Commission action on a request by the Navajo County Development Services Department to amend the Navajo County Zoning Ordinance, by adding language to Section 2516 – Junk and Debris. **Lissa Davis** asked the commissioners to disregard the memo that was in their packet. Ms. Davis said that only item to be discussed is Section 2516 – Junk and Debris. Ms. Davis stated that they have tried to be more descriptive by putting in language of household garbage, appliances, unusable firewood, fire hazards and their definitions, etc. Staff had not received any letters in favor or opposition regarding this issue. **Jon Olson** expressed concern for definition of the fire hazard and who would determine the extent of the dead material that might be used for firewood. Mr. Olson asked if the county is going to go after all the lots with pine needles on them. Mr. Olson expressed his opinion that this would be unenforceable as the fire department is the expert, but the Code Enforcement Officer would make the determination. Mr. Olson stated that it should be tied to the parcel size, like 1 acre or less would be more restrictive. Mr. Olson reiterated his previous comments about this would be tough to enforce. Mr. Olson also asked staff to ask other communities how they are approaching this. **Lance Payette** stated that the Code Enforcement Officer would determine if the accumulation is a fire hazard or not. **Frank Damato** said that the real issue is the subdivision, as the regulations should have a density standard to them and we need to start with changing the subdivision regulation in order to start to get the long-term results. **Lissa Davis** asked the commission if they would like to tabling the matter until further study could be made. A motion was made by **Roy Solomon** to Table this amendment. **Frank Damato** seconded the motion. Motion carried with **Wendell DeCross** voting against the motion.

ITEM #5 Possible approval of July 18, 2002 Minutes. A motion was made by **Roy Solomon** to approve the minutes. **Frank Damato** seconded the motion. Motion unanimously carried.

ITEM #6 Commissioners Comments and/or Directions to Staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions choosing. **Staff handed out the Pinetop-Lakeside, Navajo County General Area Plan for review. Also staff passed out a complete list of Special Use Permits heard by the Board of Supervisors for review later on for the Zoning Ordinance re-write.**

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 8:10 p.m. **Roy Solomon** made a motion to adjourn. **Drew Shumway** seconded the motion. Motion unanimously carried. The Commission reserves the right to adjourn into an executive session when needed per 431.03(a)(3) for legal consultation on the above agenda items.

NOTE: a copy of the agenda background material provided to the Commission Members (with exception of material relating to possible executive sessions) is available for public inspection at the Development Services Office, Navajo County Complex, Holbrook, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Approved this _____ day of _____, 2002.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Development Services